

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names.

We believe that we are joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**APPARATUS AND METHOD FOR AGITATING A SAMPLE DURING IN VITRO TESTING**

the specification of which

(Check one)  is attached hereto.  
 was filed on \_\_\_\_\_ as  
 Application Serial No. \_\_\_\_\_  
 and amended on \_\_\_\_\_ (if applicable).

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
N/A (Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	Yes	No
_____	_____	_____	Yes	No

We hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional applications(s) listed below.

N/A (Application Serial No.)	(Filing Date)
_____	_____

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of the application:

N/A (Application Serial No.)	(Filing Date)	[Status-patented, pending, abandoned]
_____	_____	_____

We hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office contacted therewith:

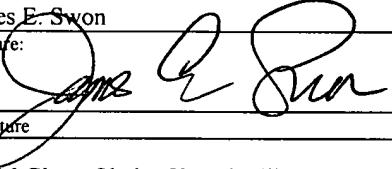
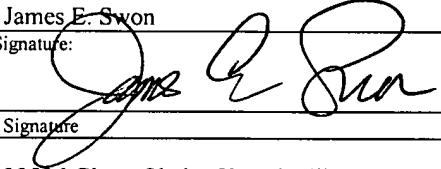
Hunter L. Auyang #33,224, Bella Fishman #37,485, Edward H. Berkowitz #27,771, David Gloekler #41,037

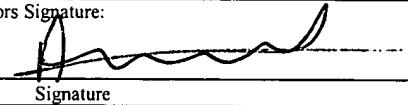
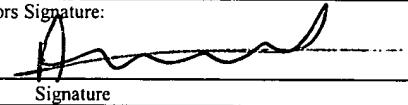
Address all telephone calls to Bella Fishman at telephone no. (650) 424-5086

Address all correspondence to:

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Legal Department  
3120 Hansen Way, M/S D-102  
Palo Alto, California 94304

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or First Inventor: James E. Swon
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Inventors Signature: 
Signature 
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